

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:08cv3**

JEFFREY CABE,

Plaintiff,

Vs.

ORDER

**GRAHAM COUNTY; RANDY JORDAN,
individually; LYNN CODY, in his official
capacity as member of the Graham County
Board of Commissioners; BILLY CABLE,
in his official capacity as member of the
Graham County Board of Commissioners;
JERRY SHERRILL, in his official capacity
as member of the Graham County Board
of Commissioners; GENE TRULL, in his
official capacity as member of the Graham
County Board of Commissioners;
RAYMOND WILLIAMS, in his official
capacity as member of the Graham County
Board of Commissioners; DENISE
PATTERSON, in her official capacity as
administrator of Graham County's group
health plan; SANDRA SMITH, in her
capacity as administrator of Graham
County's health plan,**

Defendants.

THIS MATTER is before the court upon the Order concerning the status of the settlement in this case, an a representation of respective counsel made on September 4, 2008, that a Stipulation of Voluntary Dismissal would be filed within

30 days. Now before the court is defendants' response indicating that an issue has arisen concerning the withholding of taxes from the settlement proceeds and a request that this matter be continued until 2 p.m. on October 23, 2008.

The court will grant the continuance, but the defendants are informed that the court has little patience at this point for delay based on an issue concerning withholding taxes. Defendants are informed that if the settlement they reached represents wages, they must make the same withholdings that they would have made had such sum been paid on regular paydays. To do otherwise would be to violate the tax laws and other laws concerning employer withholdings. To the extent defendants refuse to make such payment before October 23, 2008, each defendant named in the Complaint shall personally appear before the court on October 23, 2008, and explain the basis for their refusal to comply with the settlement agreement they entered.

ORDER

IT IS, THEREFORE, ORDERED that the hearing scheduled for October 23, 2008, is reset for 2 p.m. on such day.

Signed: October 20, 2008

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

